

PROB 12C
(6/96)

United States District Court

for

WESTERN DISTRICT OF TEXAS

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Antonio Nieto

Case Number: 1:14-CR-00300-(08) LY

Name of Sentencing Judicial Officer: Honorable Sam Sparks, United States District Judge

Date of Original Sentence: June 11, 2015

Original Offense: Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Original Sentence: Sentenced to eighty-seven (87) months' custody in the Bureau of Prisons, followed by three (3) years of supervised release. Special Conditions include: substance abuse treatment; abstain from the use of alcohol and all other intoxicants; search condition; and a \$100 special assessment fee (satisfied).

Type of Supervision: Supervised Release

Date Supervision Commenced: July 2, 2021

Assistant U. S. Attorney: Mark H. Marshall

Defense Attorney: Kevin W. Boyd (retained)

PREVIOUS COURT ACTION

On October 5, 2021, a Probation Form 12A was filed with the Court, addressing a positive drug test result for marijuana. No action was requested as the offender was placed in treatment and has increased drug testing. The Court concurred.

On December 10, 2021, the offender's case was reassigned to Judge Yeakel, under docket 1-14-CR-00300(08)-LY.

Antonio Nieto
Amended Petition for Warrant or Summons for
Offender Under Supervision
Page 2

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Special Condition: “The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.”

Violation of Standard Condition No. 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Nature of Noncompliance: On October 8, 2021, November 12, 2021, November 19, 2021, and November 29, 2021, the offender failed to report for random drug testing, as directed by this officer and as required through the random drug testing program, COMPLY.

Violation of Mandatory Condition No 1: “The defendant shall not commit another federal, state, or local crime during the term of supervision.”

Violation of Standard Condition No 11: “The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.”

Violation of Special Condition: “The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.”

Antonio Nieto
Amended Petition for Warrant or Summons for
Offender Under Supervision
Page 3

Nature of Noncompliance: On October 21, 2021, the offender was arrested by a Trooper with the Texas Department of Public Safety and charged with Driving While Intoxicated and Evading Arrest. According to the Affidavit, as the Trooper was attempting to conduct a traffic stop, the offender continued to accelerate and evade while the Trooper even after he deployed his emergency lights and sirens. During the pursuit, Austin Police Department's Air 1, a police helicopter, was dispatched to follow the vehicle until another Trooper was able to assist. According to the Trooper, upon contacting the offender, he detected the odor of alcohol emitting from the offender's breath, to which the offender admitted being intoxicated. The offender refused to provide a breath sample or participate in any field sobriety test. Accordingly, the offender was then placed in custody, transported to the Travis Co. jail, and charged with Driving While Intoxicated and Evading Arrest. He was subsequently released from state custody on bond. Additionally, the offender failed to notify this probation officer within 72 hours of his arrest. The case was filed in Travis County Court at Law under Cause number C-1-CR-21-209028. According to the Travis County Court docket, the offender has an "unfiled setting" for January 10, 2022; is currently on state bond. As of this writing, the offender's whereabouts are unknown. *Per the Travis County Clerk, the offender has a new Court date scheduled for May 23, 2022, at 8 am.*


Violation of Mandatory Condition No 1: *"The defendant shall not commit another federal, state, or local crime during the term of supervision."*

On February 11, 2022, the offender was arrested by Austin Police Department for Possession of a Controlled substance, to wit: Cocaine. APD officers observed two males engaging in a fist fight and intervened. APD officers detained both individual and searched their persons. Upon searching the offender, the APD officer found a small clear plastic bag containing cocaine. The offender was booked in Travis County jail under docket number D-1-DC-22-200845 and is still under pre-indictment with his next scheduled Court hearing set for July 11, 2022.

U. S. Probation Officer Recommendation: The term of supervision should be revoked.

Approved by,
Martha N. Davis

Martha N. Davis
Supervising U.S. Probation Officer

Respectfully submitted,


Nickalous D. Wisner
U.S. Probation Officer
Date: 5/10/2022

Antonio Nieto
Amended Petition for Warrant or Summons for
Offender Under Supervision
Page 4

Received by,

Previously signed December 13, 2021
Mark H. Marshall
Assistant U.S. Attorney

☐ recommend ☐ does not recommend Justification: _____

=====

THE COURT ORDERS:

- [] No Action
- [X] The Issuance of a Warrant (warrant previously issued remains in effect)
- [] The Issuance of a Summons
- [] Other



Honorable Susan Hightower
U.S. Magistrate Judge

May 10, 2022

Date

